

REMARKS

The Office Action of April 20, 2007 has been carefully considered. Claims 1, 10 and 18-23 have been amended. Claims 4 and 24 have been canceled. Claims 1-3, 5-23 and 25 are in this application.

Previously presented claims 18-23 were rejected under 35 U.S.C. § 112 as indefinite. Applicants have amended claims 18-23 to obviate the Examiner's rejection. No new matter has been entered.

Previously presented claims 1, 2 4-8, 10, 14-16, 17, 22, 23 and 25 were rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 4,269,729 to Maruyama et al. Applicants submit that Maruyama et al. do not teach each of the limitations of the amended claims.

Maruyama et al. disclose a microencapsulating process which involves dispersing a substantially insoluble nuclear material into a polyvinyl alcohol which has a point. The process results in the appearance of a concentrated aqueous solution of the polyvinyl alcohol as a separate phase around the nuclear material so that the microcapsules are formed which have walls composed of the polyvinyl alcohol polymer swollen with water. The microcapsules have dense walls formed with low degrees of porosity.

In contrast to the invention defined by the present claims, Maruyama et al. do not teach or suggest a controlled release composition comprising a plurality of solid moisture sensitive microspheres. To the contrary, Maruyama et al. teach microcapsules which are not solid spheres, but include a hollow center surrounded by a wall of predetermined strength (see col. 6, lines 41-45).

Furthermore, Maruyama et al. do not teach or suggest a fragrance composition encapsulated in each of said micro-spheres, said fragrance composition comprises menthol and optionally one or more fragrance ingredients having a ClogP of less than or equal to about 4.0. Rather, Maruyama et al. teach a nuclear material such as mineral oil, gasoline, kerosene, and perfumes. There is no teaching or suggestion of selecting fragrance ingredients of menthol and optionally one or more fragrances to have a ClogP of less than or equal to about 4.0 to maximize the fragrance ingredients in the system proximate environment after the system has been exposed to moisture as described in the present invention. Moreover, Maruyama et al. do not teach or

suggest that the fragrance composition includes menthol. As described on page 8, lines 20-22, it has been found that fragrance composition including menthol provides a higher impact fragrance burst that can be easily perceived by a consumer. There is no teaching or suggestion of these features in Maruyama et al.

Accordingly, the invention defined by the present claims is not anticipated by Maruyama et al. and withdrawal of this rejection is respectfully requested.

The previously presented claims 1-3, 8, 9, and 18-24 were rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 6,001,789 to Trinh et al.

Applicants have amended claim 1 to include the limitations of original claim 4. Accordingly, Trinh et al. do not teach each limitation of amended claim 1 and withdrawal of this rejection is respectfully requested.

The previously presented claims 1-3, 8, 10-14, 16, 17 and 22 were rejected under 35 U.S.C. § 103 as obvious in view of U.S. Patent No. 4,183,911 to Smithies et al. in combination with U.S. Patent No. 4,818,522 to Ferentchak et al.

Applicants have amended claim 1 to include the limitations of original claim 4. Accordingly, Smithies et al. do not teach each limitation of amended claim 1 and withdrawal of this rejection is respectfully requested.

Furthermore, Smithies et al. teach an antiperspirant spray powder encapsulated in a surface active material, such as a liquid nonionic surface active agent, which is insoluble in a propellant.

In contrast to the invention defined by the present claims, Smithies et al. do not teach or suggest a controlled release composition comprising a plurality of solid moisture sensitive microspheres. Further, Smithies et al. do not teach or suggest the particle is formed of a moisture sensitive matrix material selected from the group consisting of polyvinyl pyrrolidone, water soluble cellulose, polyvinyl alcohol, ethylene maleic anhydride copolymer, methyl vinyl ether maleic anhydride copolymer, polyethylene oxide, polyamide, polyester, copolymers or homopolymers of acrylic acid, polyacrylic acid, polystyrene acrylic acid copolymer, starch derivatives, hydrocolloid, natural gum, protein, and mixtures thereof. Instead, Smithies et al. teach surface active material of a nonionic surface active agent.

As noted by the Examiner, Smithies et al. do not encapsulate perfume. Accordingly, Smithies et al. do not teach or suggest encapsulating menthol in a moisture sensitive microsphere and optionally encapsulating fragrance ingredients having a ClogP of less than or equal to about 4.0 to maximize the fragrance ingredients in the system proximate environment after the system has been exposed to moisture.

Ferentchak et al. teach antiperspirant formulations are encapsulated in the thick walled hollow, substantially spherical particles of an antiperspirant active. Ferentchak et al. teach a hollow particle.

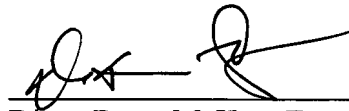
In contrast to the invention defined by the present claims, Ferentchak et al. do not teach or suggest a controlled release composition comprising a plurality of solid moisture sensitive microspheres. Further, Ferentchak et al. do not teach an encapsulated fragrance composition of menthol and optionally one or more fragrance ingredients having a ClogP of less than or equal to about 4.0. There is no teaching or suggestion in Ferentchak et al. of selection of fragrance ingredients to be easily perceived by a user. Further, Ferentchak et al. do not teach or suggest that a microsphere is formed of a moisture sensitive matrix material selected from the group consisting of polyvinyl pyrrolidone, water soluble cellulose, polyvinyl alcohol, ethylene maleic anhydride copolymer, methyl vinyl ether maleic anhydride copolymer, polyethylene oxide, polyamide, polyester, copolymers or homopolymers of acrylic acid, polyacrylic acid, polystyrene acrylic acid copolymer, starch derivatives, hydrocolloid, natural gum, protein, and mixtures thereof. Rather, Ferentchak et al. teach a hollow particle formed of an antiperspirant active.

Accordingly, the invention defined by the present claims is not obvious in view of Smithies et al. alone or in combination with Ferentchak et al. and withdrawal of this rejection is respectfully requested.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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